

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF)
ARTESIAN WASTEWATER MANAGEMENT,)
INC., FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
PROVIDE WASTEWATER SERVICE)
PURSUANT TO 26 *DEL. C.* §203D.)
("PRETTYMAN25.00, ROXANA60.00,)
ROXANA91.00, ZION22.00, ZION76.02"))
(FILED OCTOBER 14, 2021)

PSC DOCKET NO. 21-0851

ORDER NO. 9932

AND NOW, this 5th day of January 2022, the Delaware Public Service Commission ("Commission") determines and orders the following:

WHEREAS, pursuant to 26 *Del. C.* §§ 102(2) and 203D(a), the Commission exercises regulatory oversight over non-governmental wastewater public utilities that serve fifty or more customers; and

WHEREAS, the Commission's oversight includes the authority to grant Certificates of Public Convenience and Necessity ("CPCN") to enable an entity to begin the business of a wastewater public utility or to permit an existing wastewater public utility to extend its system and operations (*see* 26 *Del. C.* § 203D(a)); and

WHEREAS, on April 1, 2005, the Commission adopted final *Regulations Concerning the Jurisdiction of the Public Service Commission to Grant and Revoke Certificates of Public Convenience and Necessity to Provide Wastewater Services*, 26 *Del. Admin. C.* § 6001 (the "Regulations"), which implement the statutory requirements for wastewater CPCN applications; and

WHEREAS, Artesian Wastewater Management, Inc. (“AWMI” or the “Company”) is a public utility offering wastewater services and is subject to the regulatory oversight of the Commission; and

WHEREAS, on October 14, 2021, AWMI filed an application (“Application”) requesting a CPCN to provide wastewater service to eight (8) parcels of land in Sussex County, Delaware, identified as Tax Map Parcel Nos. 235-29.00-25.00, 533-6.00-60.00, 533-6.00-91.00, 533-6.00-91.01, 533-6.00-91.02, 533-11.00-22.00, 533-11.00-76.02, and 533-11.00-76.05, and referred to as “Prettyman25.00, Roxana60.00, Roxana91.00, Zion22.00, and Zion6.02” (the “Proposed Service Area”); and

WHEREAS, as required under 26 *Del. C.* § 203D(d)(2) and the Regulations, AWMI included in its Application: (1) petitions requesting wastewater services signed by all landowners of record of each parcel or property encompassed within the Proposed Service Area; (2) copies of the United States Postal Service forms verifying that the Company sent, via certified mail, a Commission-approved notice to all landowners of record of each parcel included in the Proposed Service Area; (3) a list of the County tax map parcel identification numbers of the properties and identification of all landowners of record included in the Proposed Service Area; (4) a copy of the associated tax map clearly marking the Proposed Service Area; and (5) a copy of the letter from Sussex County stating no objection to the Application; and

WHEREAS, Commission Staff (“Staff”) requested written comment from the Division of Water Resources of the Department of Natural Resources and Environmental Control (“DNREC”), the Delaware Office of State Planning Coordination (“OSP”), and the Sussex County Engineering Department (the “County”) regarding the Application, with the exception of OSP, received no objections therefrom; and

WHEREAS, OSP filed a letter, dated October 20, 2021 (the “Letter”) stating that it has no outstanding issues with Artesian regarding its service; however, because Tax Map Parcel No. 235-29.00-25.00 is located in a Level 4 Investment Area, where the State does not support new development activities and suburban development, OSP was opposed to the development of the parcel and would not support the issuance of a CPCN for it; and

WHEREAS, on December 6, 2021, in accordance with 26 *Del. Admin. C.* § 6001-6.4, Staff sent OSP a letter informing OSP that: (a) Staff did not find OSP’s comments to be a basis for recommending denial of the Application; and (b) if OSP wished to be heard concerning the Letter, OSP could file a Petition to Intervene and present its position to the Commission at the designated regularly scheduled meeting; and

WHEREAS, OSP has not filed a Petition to Intervene in this docket; and

WHEREAS, by memorandum to the Commission dated December 29, 2021, incorporated herein by reference, Staff reports that it reviewed the Application, finds that it meets all applicable requirements for granting a CPCN pursuant to 26 *Del. C.* § 203D and the Regulations, and therefore recommends that the Commission approve the Application;

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. That, pursuant to the provisions of 26 *Del. C.* § 203D(d)(2), the Commission approves the Application and grants a CPCN to AWMi to provide wastewater public utility services to the area more specifically identified by Sussex County Tax Map Parcel Nos. 235-29.00-25.00, 533-6.00-60.00, 533-6.00-91.00, 533-6.00-91.01, 533-6.00-91.02, 533-11.00-22.00, 533-11.00-76.02, and 533-11.00-76.05.

2. That AWMi shall comply with any and all federal, state, county, and local statutes, ordinances, orders, regulations, rules, and permit conditions that are applicable, or may become

applicable, to any matter involving wastewater utility services provided to the service territory granted by this CPCN.

3. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Dallas Winslow, Chairman

Joann Conaway, Commissioner

Harold Gray, Commissioner

Manubhai "Mike" Karia, Commissioner

Kim F. Drexler, Commissioner

ATTEST:

Malika Davis, Acting Secretary